

REMARKS

In response to the final Office Action mailed on January 25, 2007, Applicants submit this Amendment and a Request for Continued Examination (RCE) filed concurrently herewith.

In the Office Action, the Examiner rejected claims 14-17 and 21-27 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ueda (U.S. Patent No. 6,122,009) in view of Takachi (U.S. Pub. No. 2003/0137595); rejected claims 18-20, 28, and 30-37 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ueda in view of Takachi and further in view of Toyoda et al. (U.S. Pub. No. 2001/0012073); and rejected claims 29 and 38 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ueda in view of Takachi and Toyoda et al. and further in view of Basista et al. (U.S. Patent No. 4,451,124). The Examiner made the rejections final.

By this Amendment, Applicants have amended claims 14, 28, and 37. Claims 14-38 are currently pending. Of these claims, claims 14, 28, and 37 are independent.

Applicants respectfully traverse the Examiner's Section 103 rejections of claims 14-28 and 30-37 over combinations of Ueda, Takachi, and Toyoda et al. None of these references, taken alone or in combination, disclose, teach, or otherwise suggest each and every element of independent claims 14, 28, and 37. In particular, the applied references at least fail to disclose the claimed combinations, including an image pickup device having, among other things, an image pickup element having a photoelectrically converting section surrounded by a peripheral top surface, an optical member having a lens section and a leg section with a contact surface provided at a lower end of the leg section, and a lens frame mounted to a base board and having a contact surface at a

lower end thereof, wherein a position between the lens section and the photoelectrically converting section is determined by bringing the contact surface of the optical member into "direct contact with the peripheral top surface or with a top surface member" of the image pickup element and by "bringing the contact surface of the lens frame in direct contact with only a top surface of the base board," as required by each of claims 14, 28, and 37.

Ueda discloses an image pickup apparatus having, among other things, a substrate 1, a holder 2 having a housing package 2A, a photoelectric converting device such as a CCD bare chip 12, and a lens portion 10 having an image forming lens 4 and a leg portion 11. See Figs. 6-9. Furthermore, Ueda discloses that package 2A is shaped to fit with a corner of substrate 1, and that a filler 20 is provided between the holder 2 and substrate 1. See, for example, col. 8, lines 51-55.

The Examiner contends that substrate 1, holder 2, lens portion 10, and package 2A correspond to the claimed base board, image pickup element, optical member, and lens frame, respectively. Applicants, however, respectfully disagree. Even assuming that substrate 1, holder 2, lens portion 10, package 2A and structure of the Ueda image pickup apparatus can be interpreted to meet the other recitations of claims 14, 28, and 37, which Applicants do not concede, Ueda does not disclose, teach, or otherwise suggest that a contact surface of lens portion 10 (which the Examiner alleges corresponds to the claimed optical member) is brought into direct contact with any surface other than a surface of CCD chip 12 (which the Examiner alleges corresponds to the claimed photoelectrically converting section). Indeed, as shown in Fig. 9, Ueda shows that leg portion 11 of lens portion 10 is in direct contact with only CCD chip 12.

Furthermore, Ueda also fails to disclose, teach, or otherwise suggest that a contact surface of package 2A (which the Examiner alleges corresponds to the claimed lens frame) is in direct contact with only a top surface of substrate 1 (which the Examiner alleges corresponds to the claimed base board). As shown in Fig. 6, package 2A is prevented from directly contacting any surface of substrate 1 by filler 20. Furthermore, as discussed above, package 2A is shaped to fit with a corner of substrate 1, and, in the absence of filler 20, would not only contact a top surface of substrate 1, but also two side surfaces of substrate 1, as depicted in Fig. 6.

For at least these reasons, Ueda fails to disclose, teach, or otherwise suggest the claimed combination, including an image pickup device having, among other things, an image pickup element having a photoelectrically converting section surrounded by a peripheral top surface, an optical member having a lens section and a leg section with a contact surface provided at a lower end of the leg section, and a lens frame mounted to a base board and having a contact surface at a lower end thereof, wherein a position between the lens section and the photoelectrically converting section is determined by bringing the contact surface of the optical member into "direct contact with the peripheral top surface or with a top surface member" of the image pickup element and by "bringing the contact surface of the lens frame in direct contact with only a top surface of the base board," as required by each of claims 14, 28, and 27.

The Examiner has relied upon Takashi solely for the alleged teaching of "a leg section under the [] lens sections 10 and 13 (figure 3) that does not extend beyond a top surface of the image pick up element (4) and a barrel 6 that holds the optical mounting member 6 that hold[s] the lens and is mounted on the printed circuit board 1 (Paragraph

5).” See Office Action at pages 3 and 7. In addition, the Examiner has relied upon Toyoda et al. solely for the alleged teachings of “an elastic member 110 (figure 8) for absorbing the play of the holder (Paragraph 0003),” “a cover member 105 attached to the lens frame 101 at the object side positioned from the lens section and to press the lens section, wherein the cover member includes a part 102 capable of transmitting light (Paragraphs 0003 and 0004, figure 8),” and “an infrared ray cut filter 103 (Paragraph 3, figure 8).” See Office Action at page 6.

Therefore, Takashi and Toyoda et al., alone or in combination, fail to cure the above-described deficiencies of Ueda, and the Examiner’s proposed combinations of Ueda, Takashi, and Toyoda et al. do not teach, disclose, or otherwise suggest each and every limitation of independent claims 14, 28, and 37. Accordingly, claims 14, 28, and 37 and their dependent claims are patentable over these references.

Applicants respectfully traverse the Examiner’s rejection of claims 29 and 38 over Ueda in view of Takachi and Toyoda et al. and further in view of Basista et al. Even if Basista et al. teaches what the Examiner alleges (and Applicants do not necessarily agree that it does), Basista et al. fails to overcome the above-described shortcomings of Ueda, Takashi, and Toyoda et al. Accordingly, claims 29 and 38 are patentable at least due to their dependencies from claims 28 and 37, respectively.

The Office Action contains characterizations of the claims and the related art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

In discussing the specification, claims, and/or drawings in this Amendment, it is to be understood that Applicants are in no way intending to limit the scope of the claims

to any exemplary embodiments described in the specification or abstract and/or shown in the drawings. Rather, Applicants are entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

Please grant any extensions of time required to enter this Amendment and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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